IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No.992 OF 2006

K. Raman Murty ….. ***Petitioner***

Mr. C. A. Rao, Sr. Advocate

Vs.

State of Odisha & Ors. ….. ***Opposite parties***

State Counsel

CORAM:
DR. JUSTICE B.R. SARANGI

ORDER
25.02.2022

I.A. No.2387 of 2021
And
I.A. No.2388 of 2021

Order No.
1

This matter is taken up through hybrid mode.

2. Out of these two interlocutory applications, I.A. No.2387 of 2021 has been filed seeking direction to the opposite parties to implement the order dated 11.05.2016 passed by the Odisha Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No.992(C) of 2006, whereas I.A. No.2388 of 2021 has been filed seeking permission to send notice to opposite party no.4 in its alternative address.

3. Heard Mr. C.A. Rao, learned Senior Counsel appearing for the petitioner.

4. As it appears, the Tribunal, vide order dated 11.05.2006 disposed of O.A. No.992(C) of 2006 holding the order of suspension under Annexure-1 as good in law in terms of jurisdiction and competence, and directed opposite party no.1 to dispose of representation of the petitioner after making necessary

investigation in regard to the serious allegations made by the petitioner against the Director, Soil Conservation. Though, he said order was passed on 11.05.2006, the petitioner filed M.P. Case No.1173 (C) of 2017 before the Tribunal, after a long lapse of 11 years, which has been renumbered as I.A. No.2387, after transfer of O.A. No.992(C) of 2006 to this Court, for implementation of the order dated 11.05.2006. As such, the said application should not have been entertained. More so, if the order of the tribunal was not implemented, the petitioner ought to have moved a petition for contempt that too within a period of one year from the date of passing of the order dated 11.05.2006, in view of the provisions contained in the Limitation Act. In any event, on both the counts, the petitioner is estopped from seeking direction for impletion of the order of the tribunal.

5. Mr. C.A. Rao, learned Sr. Counsel appearing for the petitioner lays emphasis on the subsequent orders passed by the Tribunal in M.P. No.389(C) of 2018, that itself also cannot suffice the purpose. More so, the petitioner filed M.P. Case No.389 (C) of 2018 before the Tribunal after a long lapse of 12 years seeking permission to send notice to opposite party no.4 in correct alternative address, which has been renumbered as I.A. No.2388 after transfer of O.A. No.992(C) of 2006 to this Court. This application having been filed after long lapse of 12 years, this Court is not inclined to issue such direction.

6. In view of the above, both the I.As. stand dismissed.

Alok

(DR. B.R. SARANGI)
JUDGE